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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 2950.33US02

Horne et al.

Application No.: 09/757,519

Examiner: J. Strickland

Filed: January 9, 2001

Group Art Unit: 1754

For: METAL VANADIUM OXIDE PARTICLES

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The owner, NanoGram Corporation, of the entire interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,225,007. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is

statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed.

The undersigned is an authorized official of the assignee.

Date: 27 September 2004



Name: David Kleinsmith
Title: Vice President of Intellectual Property
and Director of Legal Affairs

A check in the amount of \$55.00 is attached in payment of the fee required under 37 C.F.R. § 1.321(b) and § 1.20(d). The Commissioner is hereby authorized to grant any extension of time necessary for consideration of this paper, and/or to charge any fee or credit any overpayment to Deposit Account No. 16-0631.

The undersigned is an attorney or agent of record.

Respectfully submitted,



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Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.

CERTIFICATE OF MAILING

I hereby certify that this document is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on

October 3, 2001
Date of Deposit

Peter S. Dardi
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